

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-00129-MR**

ACCORDIUS HEALTH AT )  
ASHEVILLE LLC, )  
                        )  
Plaintiff,         )  
vs.                 )       **ORDER**  
                      )  
UNITED STATES SMALL )  
BUSINESS ADMINISTRATION, )  
et al.,             )  
                      )  
Defendants.        )  
                      )

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**THIS MATTER** is before the Court on the parties' Joint Motion to Consolidate [Doc. 27].

The parties move pursuant to Rule 42 of the Federal Rules of Civil Procedure for consolidation of the 48 related cases identified in Appendix A hereto (the "subject cases").

Rule 42 of the Federal Rules of Civil Procedure provides, in pertinent part, that "[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." Fed. R. Civ. P. 42(a). Under this provision,

actions may be consolidated for one, many, or all of the phases of litigation.

Hall v. Hall, 138 S. Ct. 1118, 1130 (2018).

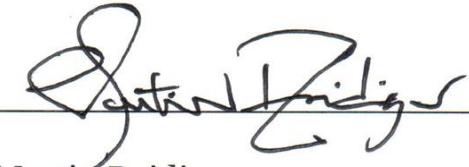
Upon careful review of the parties' motion, the Court finds and concludes that the subject cases involve overlapping parties, a common set of operative facts, and common questions of law. The Court further finds and concludes that consolidation of these actions would avoid the risk of inconsistent decisions, would decrease the burden on the parties, and would promote judicial economy. Accordingly, the parties' motion to consolidate is granted.

**IT IS, THEREFORE, ORDERED** that the parties' Joint Motion to Consolidate [Doc. 27] is **GRANTED**, and all of the cases referenced in Appendix A attached hereto are hereby consolidated. Case No. 1:23-cv-00129-MR shall be designated as the lead case, and all future filings shall be in the lead case only. The Clerk of Court is respectfully instructed to administratively close all of the associated member cases.

**IT IS FURTHER ORDERED** that, within **fourteen (14) days** of the entry of this Order, the parties shall prepare and submit a Certificate of Initial Attorneys' Conference pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 16.1.

**IT IS SO ORDERED.**

Signed: 12/20/2023

  
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Martin Reidinger  
Chief United States District Judge



## APPENDIX A

<b>CASES ORIGINALLY FILED IN THIS COURT</b>	
<b>PLAINTIFF</b>	<b>CASE NO.</b>
Accordius Health at Asheville LLC	1:23-cv-00129-MR
Accordius Health at Brevard LLC	1:23-cv-00130-MR
Accordius Health at Charlotte LLC	3:23-cv-00289-MR
Accordius Health at Hendersonville LLC	1:23-cv-00131-MR
Accordius Health at Midwood LLC	3:23-cv-00290-MR
Accordius Health at Monroe LLC	3:23-cv-00291-MR
Accordius Health at Mooresville LLC	5:23-cv-00065-MR
Accordius Health at Statesville LLC	5:23-cv-00066-MR
Accordius Health at Wilkesboro LLC	5:23-cv-00068-MR
Carolina Pines at Asheville LLC	1:23-cv-00132-MR
Countryside Rehabilitation LLC	1:23-cv-00199-MR
Fair Oaks Health and Rehabilitation	1:23-cv-00200-MR
Pelican Health at Asheville LLC	1:23-cv-00201-MR
Pelican Health at Charlotte LLC	1:23-cv-00202-MR
Pelican Health at Norfolk LLC	1:23-cv-00203-MR
Pelican Health at Rutherfordton LLC	1:23-cv-00204-MR
Pelican Health Randolph LLC	3:23-cv-00293-MR
Russellville KY OpcO LLC	1:23-cv-00205-MR
The Citadel at Myers Park LLC	1:23-cv-00197-MR
The Citadel at Winston Salem LLC	1:23-cv-00198-MR
The Citadel Elizabeth City LLC	1:23-cv-00194-MR

<b>TRANSFERRED CASES</b>	
<b>PLAINTIFF</b>	<b>CASE No.</b>
Accordius Health at Bay Pointe LLC	1:23-cv-226-MR
Accordius Health at Concord LLC	1:23-cv-234-MR
Accordius Health at Greensboro LLC	1:23-cv-237-MR
Accordius Health at Lynchburg LLC	1:23-cv-263-MR
Accordius Health at River Pointe LLC	1:23-cv-222-MR
Accordius Health at Rose Manor LLC	1:23-cv-236-MR
Accordius Health at Wilson LLC	1:23-cv-244-MR
Accordius Health at Winston Salem LLC	1:23-cv-233-MR
Anderson SC OPCO LLC	1:23-cv-230-MR

<b>TRANSFERRED CASES</b>	
<b>PLAINTIFF</b>	<b>CASE No.</b>
Carolina Pines at Greensboro LLC	1:23-cv-235-MR
Covington TN OPCO LLC	1:23-cv-228-MR
Farthing Mayfield KY Opco LLC	1:23-cv-255-MR
Greenville KY Opco LLC	1:23-cv-252-MR
Hopkinsville KY Opco LLC	1:23-cv-256-MR
Knoxville OPCO LLC	1:23-cv-241-MR
Leitchfield KY Opco LLC	1:23-cv-253-MR
Loudon OPCO LLC	1:23-cv-240-MR
Madisonville Health and Rehabilitation LLC	1:23-cv-254-MR
Maryville Fairpark OPCO LLC	1:23-cv-231-MR
Maryville Jamestown OPCO LLC	1:23-cv-247-MR
Mayfield KY Opco LLC	1:23-cv-251-MR
Mount Pleasant TN OPCO LLC	1:23-cv-264-MR
Paducah Center for Health and Rehabilitation	1:23-cv-257-MR
Pelican Health Reidsville LLC	1:23-cv-239-MR
Pelican Health Thomasville LLC	1:23-cv-238-MR
Princeton KY Opco LLC	1:23-cv-258-MR
Red Boiling Springs TN OPCO LLC	1:23-cv-267-MR